

**REMARKS**

In view of the above amendments and following remarks, reconsideration of the present application is respectfully requested.

It is noted that Claims 1-12 and 17-31 are currently pending in this application.

The Examiner has required a new title of the invention in Paragraph 4 on Page 2 of the Office Action. Accordingly, submitted herewith is a new title of the invention which is clearly indicative of the invention to which the pending claims are directed.

The Applicants would like to thank Examiner Aravind K. Moorthy for conducting a personal interview with the Applicants' representatives on March 22, 2005 at the United States Patent and Trademark Office. During the personal interview, the Applicants' representatives set forth arguments clearly distinguishing the present invention, as particularly recited in each of the independent Claims 1, 11, 12, 17, 19 and 21-23, over the *Harada et al.* reference relied upon by the Examiner. It is noted that, as reflected in the Interview Summary form PTO-413, the Examiner indicated that he would take a closer look at the *Harada et al.* reference for withdrawing the previous rejection. Provided next is a Statement of the Substance of the Interview distinguishing the claimed invention over the *Harada et al.* reference.

It is noted that the Examiner has rejected each of independent Claims 1, 11, 12, 17, 19, and 21-23 under 35 U.S.C. § 102(e) as being anticipated by *Harada et al.* (U.S. Patent No. 6,687,683) for the reasons contained in Paragraph 6 on Pages 3-4 of the Office Action.

The Applicants respectfully traverse the Examiner's aforementioned prior art rejection and submit that the present invention, at least as claimed in each of independent Claims 1, 11, 12, 17, 19, and 21-23, clearly patentably distinguishes over the *Harada et al.* reference relied

upon by the Examiner for at least the following reasons which were discussed during the aforementioned personal interview conducted on March 22, 2005.

According to the present invention, the access device transmits to the storage medium scrambled access information generated by scrambling access information which shows the area, and the storage medium is authenticated according to a challenge-response authentication protocol using the scrambled access information.

The Applicants submit that the aforementioned features, which are contained within each of independent Claims 1, 11, 12, 17, 19, and 21-23 of the present application, are not disclosed or suggested by the *Harada et al.* reference.

The Examiner has asserted, in Paragraph 6, on Page 3 of the Office Action, that *Harada et al.* discloses “a first authentication phase in which the access device transmits to the storage medium scrambled access information generated by scrambling access information which shows the area [column 11, lines 10-17].”

The Applicants respectfully disagree with the Examiner's aforementioned assertion. Particularly, it is noted that the portion of the *Harada et al.* reference relied upon by the Examiner (i.e., Column 11, Lines 10-17) relates to encrypted C1 content 130 which is encrypted music content as clearly described in Column 8 (Lines 33-41). C1 content 130 is music content sampled at 16 KHz and C2 content 140 is music content sampled at 64 KHz (see Column 8, (Lines 33-41)). Thus, it is apparent that the C1 content 130 and C2 content 140 clearly do not contain scrambled access information generated by scrambling access information which shows the area.

Moreover, although the encrypted control information 120 shown in Figures 2 and 5 does contain address information [see item 26 “C2 address” in Figure 5], the encrypted control

information 120 is transmitted not to a storage medium, but is transmitted for decryption to control information decryption units 1145 and 1215 provided in first and second content processors 1140 and 1210, respectively [see Figures 2 and 3, Column 10 (Lines 57-59) and Column 11 (Lines 50-53)].

Accordingly, the Applicants strongly submit that the *Harada et al.* reference clearly fails to disclose or suggest the feature that an access device transmits to the storage medium scrambled access information generated by scrambling access information which shows the area, as recited in each of independent Claims 1, 11, 12, 17, 19, and 21-23 of the present application.

It is further noted that the Examiner has rejected dependent Claims 4-7 and 24-31 under 35 U.S.C. § 103(a) as being unpatentable over *Harada et al.* in view of the additional prior art cited in Paragraphs 7-8 on Pages 6-8 of the Office Action.

It is hereby submitted that this Application (Serial No. 09/936,157) and *Harada et al.* (U.S. Patent No. 6,687,683) were, at the time the invention of this Application was made, commonly owned by, or subject to an obligation of assignment to, Matsushita Electric Industrial Co., Ltd. Accordingly, it is submitted that the *Harada et al.* patent is disqualified as being prior art under 35 U.S.C. § 103(c), and the Examiner is requested to withdraw the aforementioned rejections under 35 U.S.C. § 103(a).

In view of the foregoing, it is submitted that the present invention as claimed in each of independent Claims 1, 11, 12, 17, 19, and 21-23, as well as Claims 2-10, 18, 20, and 24-31 dependent thereon, is clearly allowable, and the Examiner is kindly requested to now promptly pass this case to issuance.

If the Examiner believes that a telephone conference will help further the prosecution of the case, he is respectfully requested to get in touch with Dhiren Odedra (telephone number

(202) 912-0774), or if he is not available, the undersigned attorney at the listed telephone number.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 1, 2005.

By: Sharon Farnus

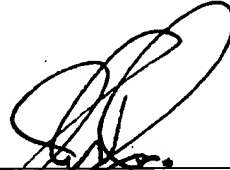


Signature

Dated: April 1, 2005

Very truly yours,

**SNELL & WILMER L.L.P.**



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